

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**JOHNNY WEISENHUNT, Individually
and as Personal Representative of the
Estate of Tarrie Weisenhunt, deceased,
CAROL WEISENHUNT, and
DEBRALEE WEISENHUNT,**

Plaintiffs,

vs.

No. 11-cv-0704 WJ/SMV

THE UNITED STATES OF AMERICA,

Defendant.

ORDER SETTING SETTLEMENT CONFERENCE

To facilitate a final disposition of this case, a mandatory settlement conference will be conducted in accordance with Rule 16(a)(5) of the Federal Rules of Civil Procedure. The conference will be held on **Tuesday, November 13, 2012 at 9:00 a.m.** in the Rio Grande Courtroom on the third floor of the Pete V. Domenici United States Courthouse at 333 Lomas Boulevard Northwest in Albuquerque, New Mexico.

The parties or a designated representative, other than counsel of record, with full authority to resolve the case, must attend in person. Counsel who will try the case must also attend in person.

At least fourteen calendar days prior to the date of the settlement conference, plaintiffs shall serve on defendants a letter setting forth at least the following information: (a) a brief summary of the evidence and legal principles that plaintiffs assert will allow them to establish liability; (b) a brief explanation of why damages or other relief would appropriately be granted at trial; (c) an itemization of the principles supporting those damages; and (d) a settlement demand. At least ten

calendar days before the settlement conference, defendants shall serve on plaintiffs a letter that sets forth at least the following information: (a) any points in plaintiffs' letter with which the defense agrees; (b) any points in plaintiffs' letter with which the defense disagrees, with references to supporting evidence and legal principles; and (c) a counteroffer. If a release is contemplated, defense counsel shall include a proposed form of release with his or her letter. Each of these letters typically should be five pages or fewer, and counsel will ensure that each party reads the opposing party's letter before the settlement conference. Plaintiffs shall provide copies of these letters to the Court no later than seven calendar days before the conference.

At least seven calendar days before the conference, each party must provide the Court, in confidence, a concise letter (typically no more than ten pages) containing an analysis of the strengths and weaknesses of its case. These letters should be submitted to the Court via electronic mail at **VidmarChambers@nmcourt.fed.us**.

Furthermore, if any party has in its possession any video or audio recordings of the incident upon which this action is based, that party must submit a copy of the recording to the Court at least ten calendar days before the conference.

The settlement conference may not be vacated or rescheduled except upon motion by the party or parties seeking to reschedule for good cause shown. Any motion to vacate or reschedule the settlement conference shall provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the settlement conference.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge